

FILED
OCT 26 2018
U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

AFFIDAVIT FOR SEIZURE WARRANT

I, David Rapp, being duly sworn, depose and state as follows:

1. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and I am empowered by law to conduct investigations of and to make arrests for the offenses enumerated in Title 18, United States Code, Section 2516.

2. I have been employed as a Special Agent with the Federal Bureau of Investigation (FBI) for approximately 17 years. This affiant has investigated many different types of federal criminal violations including matters involving the online exploitation of children, particularly in relation to violations of Title 18, United States Code, Sections 2251, 2252 and 2252A, which criminalize the production, possession, receipt, distribution and transmission of child pornography and Title 18, United States Code, Section 2422(b) and 2324, which criminalizes using the mail or any facility or means of interstate or foreign commerce to knowingly persuade, induce, entice or coerce a person under the age of 18 to engage in sexual activity for which a person can be charged with a criminal offense and transportation of a minor across state lines with the intent to engage in criminal sexual activity.

3. The statements contained in this affidavit are based on this affiant's personal knowledge along with information supplied to me by other law enforcement officers. This affidavit is not intended to be a complete and detailed description of all of the facts and evidence discovered during this investigation. I have set forth only the information that I believe is necessary to establish the required foundation for the issuance of the seizure warrant requested. Information in this affidavit is based upon my own investigation and

that of other experienced law enforcement investigators with whom I am working. As part of the investigation described in this affidavit, I have reviewed public records and talked with or reviewed reports of other law enforcement investigators.

PROPERTY TO BE SEIZED

4. This affidavit is made in support of an application for a warrant to seize the following property:

a. 2017 Mercedes-Benz S550, VIN: WDDUG8FB5HA305753 (the "Mercedes").

5. The facts in this affidavit establish probable cause to believe the above described property is subject to seizure and forfeiture under both civil and criminal authorities.

LEGAL FRAMEWORK

6. Pursuant to 18 U.S.C. § 2253(a)(3), any property, real or personal, used or intended to be used to commit or to promote the commission of an offense in violation of 18 U.S.C. §§ 2251(a) (sexual exploitation of children) and 2252A(a)(2) (receipt of child pornography) is subject to criminal forfeiture.

7. Pursuant to 18 U.S.C. § 2254, any property subject to forfeiture pursuant to Section 2253 (including facilitating property) is also subject to civil forfeiture.

8. Pursuant to 18 U.S.C. § 2428, any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of a violation of 18 U.S.C. § 2423(a) (transportation of a minor with intent to engage in criminal sexual activity) is subject to both criminal and civil forfeiture.

9. This application seeks a seizure warrant under both civil and criminal authority because the property to be seized could be placed beyond process if not seized by warrant.

10. Pursuant to 18 U.S.C. §§ 981(b), 2254 and 2428(b)(2), property subject to civil forfeiture may be seized by a civil seizure warrant issued by a judicial officer “in any district in which a forfeiture action against the property may be filed,” and may be executed “in any district in which the property is found,” if there is probable cause to believe the property is subject to forfeiture. A civil forfeiture action may be brought in any district where “acts or omissions giving rise to the forfeiture occurred.” 28 U.S.C. § 1355(b)(1)(A). As detailed below, acts or omissions under investigation occurred in the Eastern District of Missouri. 21 U.S.C. § 853(f), 18 U.S.C. § 2253(b) and 2428 provides authority for the issuance of a seizure warrant for property subject to criminal forfeiture.

11. Based on the foregoing, the issuance of this seizure warrant is authorized under 21 U.S.C. § 853(f) for criminal forfeiture; and 18 U.S.C. § 981(b) for civil forfeiture. Notwithstanding the provisions of Rule 41(a) of the Federal Rules of Criminal Procedure, the issuance of this seizure warrant in this district is appropriate under 18 U.S.C. § 981(b)(3) and 28 U.S.C. § 1355(b)(1) because acts or omissions giving rise to the forfeiture occurred in the Eastern District of Missouri.

SUBJECT OF INVESTIGATION

12. Ashu Joshi (“JOSHI”) is a 46 year-old St. Louis County resident.

13. On October 24, 2018, JOSHI was indicted in the United States District Court for the Eastern District of Missouri on three counts, including sexual exploitation of children in violation of 18 U.S.C. § 2251(a); receipt of child pornography in violation of

18 U.S.C. § 2252A(a)(2); and transportation of a minor with intent to engage in criminal sexual activity in violation of 18 U.S.C. § 2423(a).

PROBABLE CAUSE

14. On October 9, 2018, Sgt. Adam Kavanaugh of the St. Louis County Police Department's Special Investigations Unit, advised this affiant that four Cyber-Tips from the National Center for Missing and Exploited Children (NCMEC) had been forwarded to the Bowling Green Police Department in Kentucky. Sgt. Kavanaugh stated the Bowling Green Police Department was requesting the St. Louis County Special Investigations Unit for assistance due to one of the parties involved residing in the Eastern District of Missouri. The Cyber-Tips, contained in Cyber Tipline Report #41196177, #41222737, #41246874 were received by NCMEC on October 5, 2018 between 00:30:39 hours (UTC) and 23:56:45 hours (UTC). The Cyber-Tip, contained in Cyber Tipline Report #41249019 was received by NCMEC on October 6th, 2018 at 00:58:09 hours (UTC).

15. Per Cyber-Tip #41196177, Facebook reported that on between August 28, 2018 and September 30, 2018 a Facebook account registered with the name of "JANE DOE," mobile phone number of 270-779-XXXX, date of birth of December X, 2001, approximate age of 16, and a screen/user name of xxxxxx.xxxx.⁷⁹¹ had uploaded and sent approximately 333 files, which possibly contained child pornography to another user. The recipient of the child pornography files was a Facebook account registered with the name

¹ The minor victim's full name is within her Facebook user name, and, thus, it has been redacted and she is referred to as "Jane Doe." Any place in the affidavit that has an "X" or "x" indicates a redaction.

of ASHU JOSHI,² mobile phone number of 606-521-4661, email of dqoshi@gmail.com, and age of 47. The Cyber-tip further indicated that Facebook had logged the files as being uploaded by a user utilizing a computer with the Internet Protocol (IP) address of 74.132.185.61, which geo-locates to the area of Bowling Green, Kentucky. The Cyber-Tip lastly advised that Facebook had reported its personnel had viewed the files uploaded to the Facebook account prior to submitting the Cyber-Tip report.

16. On October 10, 2018, St. Louis County law enforcement contacted the Bowling Green Police Department and spoke with Detective Buss, who had received the aforementioned cyber-tips. Detective Buss stated he had positively identified "JANE DOE" as being sixteen years-old and that she attended a High School in Bowling Green, Kentucky. Detective Buss advised several of the images in the Cyber-Tips were of JANE DOE in a nude state with her genitals being lasciviously displayed. Detective Buss stated he had positively identified JOSHI through a Kentucky Department of Revenue photo. There was a male in several of the images provided in the Facebook Cyber-Tip that matched JOSHI's Department of Revenue photograph. Further, the phone number used to register the ASHU JOSHI Facebook account belonged to JOSHI according to law enforcement databases. It should be noted Detective Buss stated several of the images in the Cyber-Tips portrayed JOSHI and sixteen-year-old JANE DOE posing nude together. Further, Detective Buss stated he had discovered JANE DOE's sister had permanently withdrew JANE DOE from school as of October 10, 2018. JANE DOE had informed several teachers and students before being withdrawn that she was pregnant.

² On his Facebook Profile, JOSHI lists his date of birth as 1/XX/1971, however, Missouri Department of Revenue records show that his date of birth is 4/XX/1972.

17. Sgt. Kavanaugh of the St. Louis' County Police Department subsequently viewed the files from Cyber-Tip #41196177 that were uploaded from the Facebook account registered with the name of "JANE DOE" with the mobile phone number of 270-779-XXXX, date of birth of December X, 2001, approximate age of 16, and a screen/user name of xxxxxxxx.xxxx.79. Sgt. Kavanaugh conveyed to me what the images depicted. It should be noted, the female depicted in several of the child pornography images from the cyber-tip matched the image of JANE DOE provided by Detective Buss. Upon viewing the files uploaded to the account, Sgt. Kavanaugh confirmed that the several of the files contained child pornography.

18. Per Cyber-Tip #41246874, Facebook reported that between August 22, 2018 and September 7, 2018 a Facebook account registered with the name of ASHU JOSHI, mobile phone number of 606-521-4661, email of drjoshi@gmail.com, age of 47 according to his Facebook date of birth, had uploaded and sent approximately 144 files, which possibly contained child pornography to another user. The recipient of the files was a Facebook account registered with the name of "JANE DOE," mobile phone number of 270-779-XXXX, date of birth of December X, 2001, approximate age of 16, and a screen/user name of xxxxxxxx.xxxx.79. The Cyber-tip further indicated that Facebook had logged the files as being uploaded by a user utilizing a computer with the Internet Protocol (IP) address of 165.134.205.10 and 67.65.139.250, which both return to the St. Louis, MO area. The Cyber-Tip advised that Facebook had reported its personnel had viewed the files uploaded to the Facebook account prior to submitting the Cyber-Tip report.

19. Sgt. Kavanaugh subsequently viewed the files from Cyber-Tip #41246874 that were uploaded from the Facebook account registered with the name of ASHU JOSHI,

mobile phone number of 606-521-4661, email of drjoshi@gmail.com, age of 47, and Facebook listed date of birth of January X, 1971. It should be noted, in several of the images, a male depicted in the photograph's matched JOSHI's Department of Revenue photo. Upon viewing the files uploaded to the Facebook account, Sgt. Kavanaugh confirmed that the several of the files contained child pornography. JOSHI resides at 9362 Caddyshack Circle in St. Louis, MO 63127, which is located in the Eastern District of Missouri.

20. A sample of the files from Cyber-Tip #41246874 are as followed:

a. **FILE NAME:**

c3sp2wfx0k8coc0o38600125_241722836470858_3465902045091
856384_o.JPg

- i. **DESCRIPTION:** An image file depicting the victim JANE DOE nude exposing her vagina. JOSHI is standing behind JANE DOE with his right hand on her breast. JOSHI and JANE DOE heads are turned toward each other appearing as if they are about to kiss. JOSHI appears to be taking the photograph with a silver iPhone.

b. **FILE NAME:**

lchwm9o7n49wwkkc38818123_1932222680134439_7333792928
642367488_o.jpg

- i. **DESCRIPTION:** An image file that is split down the middle as if the image had been screen shot while video chatting. On the left hand side the image file depicts JANE DOE manipulating her vagina with her fingers. On the right side of the image, JOSHI is depicted smiling.

21. The aforementioned information led law enforcement to locate JOSHI on October 10, 2018, for questioning. Law Enforcement, specifically Det. Lucca with St. Louis County Police Department, met with JOSHI at the St. Louis County Police Department and read him his *Miranda* rights. JOSHI stated he understood his rights, and began to answer questions from law enforcement. During the interview, JOSHI admitted

receiving child pornographic images of sixteen-year-old JANE DOE. JOSHI admitted to directing JANE DOE to perform sexual acts on herself and send him videos or pictures. JANE DOE sent these self-produced child pornography images of JANE DOE to JOSHI at his request over the internet via Facebook messenger.

22. JOSHI stated that he moved to the St. Louis, Missouri area from Kentucky in approximately November of 2016. JOSHI admitted to driving from the St. Louis, Missouri area, to Kentucky every two to three weeks thereafter to meet sixteen-year-old JANE DOE. JOSHI further admitted that on at least one occasion, JOSHI would pick up JANE DOE and transporting her back to St. Louis. Once back in the St. Louis area, JOSHI had JANE DOE perform oral sex on him, in violation of Missouri State law, Section 566.061. JOSHI stated the photographs (that constitute child pornography of JANE DOE) were received on his cell phone. JOSHI informed law enforcement that he deleted the photographs of JANE DOE off his cell phone. Detective Lucca proceeded to show the pornographic images and videos contained within the above-mentioned Cyber-Tips to JOSHI. JOSHI reviewed the images and recognized all the images and videos within the Cyber-Tips as himself and JANE DOE.

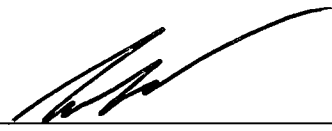
23. Law enforcement in Kentucky located victim JANE DOE on October 10, 2018. In summary, JANE DOE told law enforcement that she had sent the photographs of herself in the nude to JOSHI at JOSHI's direction. JOSHI had driven her to Missouri at least twice. She further told Investigator Donya Jackson on October 17, 2018, that the defendant had picked her up and driven her to Missouri in a Mercedes. She identified photographs of herself in JOSHI's Mercedes. JOSHI's hands also appear in the photographs of her in the Mercedes. After JOSHI transported her to Missouri in the

Mercedes at least twice between March 2018 and October of 2018, JANE DOE had oral sex and vaginal sex with JOSHI at JOSHI's home in Missouri. These sex acts were in violation of Missouri law due to JANE DOE being only sixteen years old and JOSHI being forty-six years old at the time.

24. Records show that JOSHI titled the 2017 Mercedes in his name on December 13, 2016 and he last registered the 2017 Mercedes on March 1, 2018. Public Records show that he has not owned any other vehicle since March of 2018.

CONCLUSION

25. Based on your affiant's training and experience and the training and experience of other veteran members of my team, the information set forth above establishes probable cause that the above described property is subject to criminal and civil forfeiture pursuant to 18 U.S.C. §§ 2253(a)(3) and 2254, as property used or intended to be used to commit or to facilitate the commission of violations of 18 U.S.C. §§ 2251(a) (sexual exploitation of children) and 2252A(a)(2) (receipt of child pornography) is subject to criminal forfeiture; and is also subject to criminal and civil forfeiture pursuant to 18 U.S.C. § 2428, as property used or intended to be used to commit or to facilitate the commission of a violation of 18 U.S.C. § 2423(a)

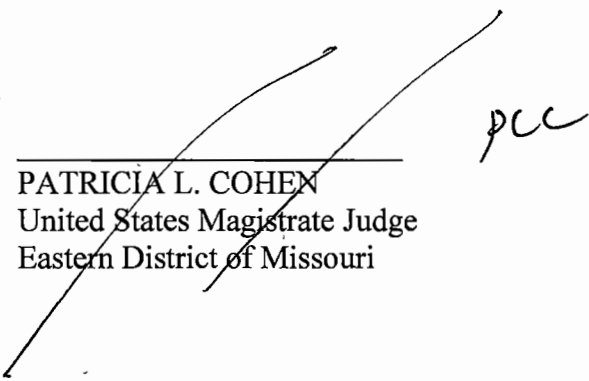


DAVID RAPP
Task Force Officer
Federal Bureau of Investigation

SUBSCRIBED and SWORN to before me this 26 day of October, 2018.



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PATRICIA L. COHEN
United States Magistrate Judge
Eastern District of Missouri